

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

REGULAR SESSION MINUTES

June 2, 2015
6:00 PM
County Council Chambers

In accordance with the Freedom of Information Act, a copy of the agenda was sent to radio and TV stations, newspapers, persons requesting notification, and was posted on the bulletin board located in the lobby of the County Administration Building

CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

INVOCATION

The Invocation was led by the Honorable Julie-Ann Dixon

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Julie-Ann Dixon

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that her husband was in the audience.

APPROVAL OF MINUTES

Regular Session: May 19, 2015 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

Zoning Public Hearing: May 26, 2015 – Ms. Dickerson moved, seconded by Ms. Dixon, to approve the minutes as submitted. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Manning thanked the National Honor Society from the Covenant Classical Christian School for their community service.

ADOPTION OF THE AGENDA

Ms. Dickerson moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated the following items were potential Executive Session Items:



Council Members Present

Torrey Rush, Chair
Greg Pearce, Vice Chair
Joyce Dickerson
Julie-Ann Dixon
Norman Jackson
Damon Jeter
Paul Livingston
Bill Malinowski
Jim Manning
Seth Rose
Kelvin E. Washington, Sr.

Others Present:

Tony McDonald
Sparty Hammett
Warren Harley
Brandon Madden
Michelle Onley
Monique McDaniels
Rob Perry
Chris Gossett
Larry Smith
Beverly Harris
Amelia Linder
Laura Renwick
Quinton Epps
Gloria Tanner
Ray Peterson
Nelson Lindsay
Tracy Hegler
Janet Claggett
Donny Phipps
Dale Welch
Cheryl Patrick
Andrea Bolling
Ismail Ozbek
Michael Byrd

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Two



- a. **ARD Sanitation Transfer**
- b. **Lower Richland Sewer Litigation Update**
- c. **An Ordinance Authorizing a ground lease between Richland County and Richland County School District Two on behalf of the Richland County Public Library; so as to allow for the automatic transfer of title to the library building to Richland County School District Two at the end of the lease term**

*Council went into Executive Session at approximately 6:04 p.m.
and came out at approximately 6:33 p.m.*

CITIZENS' INPUT

{For Items on the Agenda Not Requiring a Public Hearing}

Ms. Gloria Fair, Ms. Helen Taylor Bradley, Mr. Tom Mancke, Ms. Lottie P. Wesley, Ms. Rosa Davis, Ms. Jennifer Mancke, Ms. Donzetta Lindsay, and Ms. Ora Bell Green

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Upgrade Together Conference - June 13, 2015** – Mr. McDonald reminded Council about the upcoming Upgrade Together Conference on June 13th at the Richland Northeast High School. Ms. Valeria Jackson and Ms. Tracy Hegler gave a brief overview of the conference content.
- b. **Budget Update** – Mr. McDonald reminded Council of the 2nd Reading Budget meeting on June 4th at 6:00 PM.

REPORT OF THE CLERK OF COUNCIL

New Employees – Ms. McDaniels introduced the new Assistant to the Clerk of Council, Ms. Kim Roberts, and the summer intern, Mr. Lindsay Johnson.

Community Relations Council Luncheon - \$1,500 – Ms. McDaniels stated Council received an invitation from the Community Relations Council for their annual luncheon. The request is for a \$1,500 sponsorship. Council members may also purchase individual tickets to the event.

Ms. Dickerson inquired if Council funds the Community Relations Council on an annual basis and they are now requesting Council to sponsor a table at \$1,500.

Ms. McDaniels responded in the affirmative.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Three



Mr. Jeter suggested that any Council member wishing to attend the luncheon to contact the Clerk's Office to purchase individual tickets.

REPORT OF THE CHAIRMAN

No report was given.

OPEN/CLOSE PUBLIC HEARINGS

- **Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters – No one signed up to speak.**
- **An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee – No one signed up to speak.**

APPROVAL OF CONSENT ITEM

- **An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee [THIRD READING]**
- **15-20MA, Ashley Chason, RU to OI (3.7 Acres), 1551 Dutch Fork Rd., 02411-04-03 [SECOND READING]**
- **15-21MA, Deanna M. Shealy, RU to RS-LD (2.22 Acres), Island Trail, 01300-01-01/02 & 01400-01-02/03/04 [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Increasing the Number of Uses in the Light Industrial District (LI) [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; Subsection (d), Paragraph (1); so as to change the language, "The Permit Fee Shall be \$25.53 for**

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Four



Residential Buildings and \$51.05 for Mixed-Use and Commercial Buildings” to “The Permit Fee Shall be charged at the rate on the current Richland County Fee Schedule” [FIRST READING]

- **Department of Public Works: Ballentine Park Project**
- **Jim Hamilton-LB Owens Airport (CUB), Taxiway ‘A’ Grading & Extension, Phase 1, Recommendation of Construction Contract Award**

Ms. Dickerson moved, seconded by Mr. Manning, to approve the consent items.

FOR

Dixon
Malinowski
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

Rose

The vote was in favor.

Mr. Malinowski moved, seconded by Ms. Dixon, to reconsider all consent items.

Mr. Malinowski clarified his motion to reconsider the following items: (1) An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee; (2) Department of Public Works: Ballentine Park Project; and (3) Jim Hamilton-LB Owens (CUB), Taxiway ‘A’ Grading & Extension, Phase 1, Recommendation of Construction Contract Award.

POINT OF ORDER – Mr. Pearce stated items cannot be reconsidered in a group. They must be voted on individually.

Mr. Malinowski moved, seconded by Ms. Dixon, to reconsider “An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee”.

Mr. Jeter inquired if this item is tied to the upcoming budget discussions and how it affects the budget.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Five

Mr. McDonald stated this item does have an impact on the budget. This item is one of the four destination parks/plans discussed by Council for which there is a funding plan. The funding plan was recently presented to the Hospitality Tax Ad Hoc Committee and referred to a subsequent full Council meeting. There are funds accounted for this project, but if any of the remaining Hospitality Tax budget were to change it could influence what may become of this project.

Mr. Malinowski stated the reason he requested reconsideration was there is a contract in place with a June 16th deadline for closing.

Mr. Malinowski withdrew his motion for reconsideration.

THIRD READING

14-38MA, George Goff, HI to GC (15.39 Acres), 1117 & 1105 Sparkleberry Lane Ext., 22909-04-01 & 22905-06-10 – Ms. Dixon moved, seconded by Mr. Malinowski, to accept the applicant's withdrawal.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances: Chapter 26: Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map – Ms. Dickerson moved, seconded by Ms. Dixon, to defer this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Six



The vote in favor was unanimous.

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC,

previously identified as Project Sandy; and other related matters – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Jackson, to reconsider this item.

FOR

Rose

AGAINST

Dixon
Malinowski
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

The motion for reconsideration failed.

Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Seven



five percent; and other related matters – Mr. Livingston moved, seconded by Mr. Pearce, to defer this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

SECOND READING

An Ordinance Authorizing a ground lease between Richland County and Richland County School District Two on behalf of the Richland County Public Library; so as to allow for the automatic transfer of title to the library building to Richland County School District Two at the end of the lease term – Ms. Dixon moved, seconded by Mr. Malinowski, to defer this item.

FOR

Dixon
Malinowski
Jackson
Rush

AGAINST

Rose
Pearce
Livingston
Dickerson
Manning
Jeter

The motion for deferral failed.

Mr. Manning moved, seconded by Mr. Livingston, to approve this item.

Ms. Dixon stated for the record, the reason she moved for deferral was because there are still some concerns regarding the lease that have not been addressed.

Ms. Dickerson inquired if the lease is for 50 years.

Mr. Smith stated the transfer of the property comes at the expiration of the lease term.

Mr. Manning inquired if the concerns addressed in the meeting with the attorneys have been addressed in the amended lease.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Eight



Mr. Smith responded in the affirmative.

FOR

Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

Dixon
Malinowski

The vote was in favor.

15-23MA, JR LEX 2, LLC, RU to RC (2.61 Acres), 7743 Bluff Rd., 32403-03-05 & 32403-03-06(p) – Ms. Dickerson moved, seconded by Mr. Livingston, to approve this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

A Resolution adopting the amendment of the covenants and restrictions for the Richland Northeast Industrial Park, to remove certain restrictions on approximately a quarter of an acre – Mr. Livingston stated the committee recommended approval of this item.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Nine



FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

Mr. Livingston moved, seconded by Mr. Jeter, to reconsider this item.

FOR

Livingston
Jeter

AGAINST

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Manning
Dickerson

The motion for reconsideration failed.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Building Codes Board of Appeals - 1** – Mr. Malinowski stated the committee recommended advertising for this vacancy.
- b. **Library Board of Trustees - 4** – Mr. Malinowski stated the committee recommended advertising for these vacancies.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Ten



FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

a. BOARD TERMS

1. Review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length [MANNING] – Mr.

Malinowski stated the committee recommended to move forward with making all board, committee and commission terms four years in length and to pursue all avenues to amend the terms.

Mr. Livingston inquired how this would affect boards, committees, or commissions the County shares appointments with (i.e. City of Columbia)

Mr. Malinowski stated those boards, committees, and commissions will be not affected.

Ms. Dickerson inquired when this process will be put into place.

Mr. Malinowski stated it will take effect once the ordinances have been amended. After the ordinances have been amended, the next round of appointments the change will become effective.

FOR

Dixon
Malinowski
Rose
Pearce
Rush
Livingston
Dickerson
Jeter

AGAINST

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Eleven



The vote in favor was unanimous.

2. **MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from “two, three years terms” to “three, three year terms” so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE] – Mr. Malinowski stated the committee recommended moving forward with Mr. Pearce’s recommendation.**

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Livingston
Dickerson
Manning
Jeter

AGAINST

The vote in favor was unanimous.

REPORT OF SEWER AD HOC COMMITTEE

- a. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction [THIRD READING]** – Mr. McDonald stated the committee recommended the amended language included in the agenda.

Mr. Livingston stated it was his understanding the existing language was due to the DHEC requirements.

Mr. McDonald stated staff has had discussions with DHEC and they have indicated they would allow the amended language.

Mr. Peterson stated he has discussed the proposed language and with DHEC and requested clarification on how DHEC would handle a repair permit for an existing septic system and what would occur if the County were to deny access to the public sewer system. Their response was that if the County were

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Twelve



to deny access for any reason or for no reason, then DHEC would issue the repair permit for the existing septic system provided the repairs would meet their standards.

Ms. Dickerson moved, seconded by Ms. Dixon, to defer this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Dickerson
Manning
Jeter

AGAINST

Livingston

The vote was in favor.

1. **Septic tanks that are functioning properly should not be disallowed in Richland County. Direct staff to contact DHEC to determine why a septic that needs maintenance or repair is not allowed to be done if a public sewer is within 200 feet of the property. Property owners should not be forced to incur expenses that will burden them for years to come and replacement septic system should be allowed provided it is shown the new system can function properly**
[MALINOWSKI]

Ms. Dickerson moved, seconded by Ms. Dixon, to defer this item.

FOR

Dixon
Malinowski
Rose
Jackson
Pearce
Rush
Dickerson
Manning
Jeter

AGAINST

Livingston

The vote was in favor.

- b. **Lower Richland Sewer Update** – Mr. Peterson stated according to Joel Wood & Associates, the design engineer for the project, the project is 85% complete

RICHLAND COUNTY COUNCIL

S O U T H C A R O L I N A

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Thirteen



for design. It is anticipated they will apply for a construction application for permit to construct with DHEC in late July or early August. It is likely to go to bid in late September. The groundbreaking would then take place in November and be completed midsummer 2016.

- c. **Lower Richland Sewer Litigation Update [EXECUTIVE SESSION]** – Mr. Jackson moved, seconded by Mr. Pearce, to re-affirm and expand upon the motion passed at the March 17, 2015 Council hearing, thereby confirming that the Richland County Council has identified funding and will waive the tap fees and connection costs for the first 224 households that apply for connection to the Lower Richland sewer system prior to pre-construction bidding. While it is currently anticipated that the 224 households for which funding has been identified may meet the demand, the Richland County Council further directs that staff keep Council informed as to the number of pre-construction sign-ups so that once the number reaches 175, Council can direct staff to identify further funding avenues that are available to provide for the waiver of tap fees and connection costs for all households that seek to apply for connection to the Lower Richland sewer system prior to pre-construction bidding. With this motion, County Council reaffirms its commitment to provide for the waiver of tap fees and connection costs for all households that seek to apply for connection to the Lower Richland sewer system prior to pre-construction bidding.

Mr. Malinowski stated he does not recall the number 224 being a part of the initial motion on March 17th and would like a copy of the minutes pertaining to this matter.

Ms. Dickerson made a substitute motion, seconded by Mr. Malinowski, to defer this item.

FOR

Dixon
Malinowski
Rose
Dickerson

AGAINST

Rose
Jackson
Pearce
Rush
Livingston
Jeter

The motion for deferral failed.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Fourteen



FOR

Jackson
Pearce
Rush
Livingston
Manning
Jeter

AGAINST

Dixon
Malinowski
Rose
Dickerson

The vote was in favor.

POINT OF PERSONAL PRIVILEGE – Mr. Manning recognized that the Clerk of Court, Jeanette McBride and the Auditor, Paul Brawley were in the audience.

CITIZENS' INPUT

Ms. Helen Taylor Bradley spoke regarding the voting on the record, "Project LM" and the DHEC statements from the Sewer Ad Hoc Committee meeting.

Mr. Tom Mancke requested the Council rules be amended to allow Council members to respond to citizens during Citizens' Input.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:42 p.m.
and came out at approximately 7:50 p.m.*

- a. **ARD Sanitation Transfer** – No action was taken.

MOTION PERIOD

- a. **Any group or entity requesting funds at budget time from Richland County Government must be made through a council member. Requests should not be arbitrarily sent to the Administrator or other staff member and then efforts made to seek a sponsor. The requesting group should take the time and effort to obtain support from at least one council member to get it on the budget motions list [MALINOWSKI]** – This item was referred to the A&F Committee.
- b. **Moving forward effective July 1, 2015, to add to the Neighborhood Improvement Guidelines, any Neighborhood/Community/HOA which does not allow public attendance and/or deny access to anyone is considered a private entity and is not allowed/authorized to receive any form of funding from Richland County [DIXON]** – This item was referred to the D&S Committee.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA

Richland County Council
Regular Session
Tuesday, June 2, 2015
Page Fifteen



- c. I move that Council record non-electronic roll call voting for all final votes that are not unanimous for third reading or one time votes; and which are not merely procedural in nature [MANNING, MALINOWSKI, JETER, AND DICKERSON] – This item was referred to the Rules & Appointments Committee.

ADJOURNMENT

The meeting adjourned at approximately 7:52 PM.

Torrey Rush, Chair

Greg Pearce, Vice-Chair

Joyce Dickerson

Julie-Ann Dixon

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Seth Rose

Kelvin E. Washington, Sr.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council